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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	40/776,656 10/766,455
Filing Date	February 10, 2005
First Named Inventor	Robert L. Diaz
Art Unit	1614
Examiner Name	
Attorney Docket Number	2385.010

Total Number of Pages in This Submission 6

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	McHale & Slavin P.A.		
Signature			
Printed name	Michael A. Slavin		
Date	March 14, 2006	Reg. No.	34,016

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Regina A. Pruitt	Date	March 14, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : ROBERT L. DIAZ

INVENTION: : INTRA-OPERATIVE PROCEDURE FOR POST-
OPERATIVE PAIN CONTROL

SERIAL NUMBER : ~~10/776,655~~ 10/776,455

FILING DATE : FEBRUARY 10, 2005

EXAMINER: : (not assigned yet)

GROUP ART UNIT : 1614

ATTORNEY DOCKET NO. : 2385.010

CERTIFICATE UNDER 37 CFR §1.8(a)

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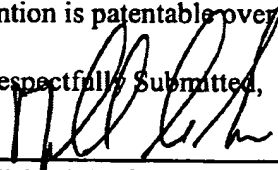
Sir:

Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of these references. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

Respectfully Submitted,

Date: March 14, 2006



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/776,666 10/776,463
Filing Date	February 10, 2005
First Named Inventor	Robert L. Diaz
Art Unit	1614
Examiner Name	
Attorney Docket Number	2385.010

Sheet	1	of	4
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1 ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	MM-DD-YYYY			
		EP 00754064 B1	05-28-2003	Atrix Laboratories, Inc.		

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number Filing Date First Named Inventor Art Unit Examiner Name	10/776,455
	February 10, 2004
	Robert L. Diaz
	1614
Sheet 2 of 4	Attorney Docket Number 2385.010

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ADAMS, et al., European Journal of Anaesthesiology, 19:658-665 2002, England	
		BOGOCH, et al., Journal of Arthroplasty, 17:398-401 2002, United States	
		CAMU, et al., American Journal Therapy pages 43-51, 2002, United States	
		CAZENEUVE, et al., Rev Chir Orthop Reparatrice Appar Mot 82:705-708 1996, France	
		CHELLY, et al., Journal of Arthroplasty 16:436-445 2001, United States	
		CHRISTENSON, Clinical Biochemistry, Biochemical Markers of Bone Metabolism: An Overview, 30:573-593 1997, Baltimore, MD United States	
		COLWELL, et al., J Bone Joint Surg Am 77:726-733 1995, United States	
		EGGERS, et al., British Journal of Analgesia 83 (6):876-881 1999	
		GEHLING, et al., Anaesthesist 52:204-209 2003, Germany	
		HORLOCKER, et al., Reg Anesthesia Pain Med 27:105-108 2002, United States	

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**INFORMATION DISCLOSURE
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Sheet 3 of 4	Application Number	10/776,455
	Filing Date	February 10, 2004
	First Named Inventor	Robert L. Diaz
	Art Unit	1614
	Examiner Name	
	Attorney Docket Number	2385.010

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KAMPE, et al., Anaesthesia 56(12):1189-1193 2001, England	
		KOPACZ, et al., Anesth Analg 89:1497-1503 1999, United States	
		MALLORY, et al., Journal of Arthroplasty 17:4 (Supp 1): 129-133 2002, United States	
		MARTINI, et al., Aktuelle Rheumatologie 22(2):69-74 1997	
		MAUERHAN, et al., Journal of Arthroplasty 12:546-552 1997, United States	
		MEISSNER, et al., Anesthesiology Abstracts of Scientific Papers Annual Meeting, abstract number 950, 2000	
		MOOTE, C. Drugs 44 Suppl 5:14-30 1992, New Zealand	
		PICO, et al., Canadian Journal of Anesthesiology 47:309-314 2000, Canada	
		RASMUSSEN, et al., American Journal of Orthopaedics 31:336-343 2002, United States	
		SERPELL, et al., British Journal of Anesthesiology 63:354-356 1989, England	

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First Named Inventor	Robert L. Diaz
Art Unit	1614
Examiner Name	
Attorney Docket Number	2385.010

Sheet

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of

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		SINGELYN, et al., Anesthesia and Analgesia 92(2):455-459 2001	
		STRIEBEL, et al., Anesthesiol Intensivmed Notfallmed Schmerzther 28:168-173 1993, Germany	
		VERBEECK, et al., Anesthesiology Abstracts of Scientific Papers Annual meeting, abstract number A-965 2001	
		VISCUSI, et al., Anesthesiology Abstracts of Scientific Papers Annual Meeting, abstract number A-830 2001	
		WALKER, et al., Journal of Arthroplasty pages 151-156 1991, United States	
		WHITE, P.F., Clinical Journal of Pain pages 297-300 1990, United States	
		WONG, et al., Canadian Journal of Anesthesia 44:31-37 1997, Canada	
		WULF, et al., Anesth Analg 89:11-116 1999, United States	

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